



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 3254-99  
29 October 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 16 August 1978 at the age of 18. Your record reflects that you served for a year and three months without incident but on 28 November 1979 you received nonjudicial punishment (NJP) possession of marijuana. The punishment imposed was forfeitures totalling \$400.

On 3 December 1979 you were admitted to a Navy medical center for treatment and rehabilitation. However, on 10 December 1979, your attendance in the program was terminated due to your expressed desire not to participate in a rehabilitation program and your continued involvement with drugs, while you were in the program, On 29 March 1980, despite your rejection of formal drug and alcohol rehabilitation treatment, you were recommended for retention in the Navy.

Your record also reflects that on 30 January 1981 you received NJP for two periods of absence from your appointed place of duty and one day of unauthorized absence (UA). The punishment imposed was forfeitures totalling \$50. On 11 and 28 March 1981 you received NJP for disrespect and another day of UA. Shortly

thereafter on, 10 July 1981, you received NJP for possession of marijuana. The punishment imposed was forfeitures totalling \$400 and reduction to paygrade E-2.

On 27 November 1981 you received your sixth NJP for a three day period of UA and missing the movement of your ship. The punishment imposed was forfeitures totalling \$200.

Subsequently, you notified of pending administration separation action by reason of frequent involvement of a discreditable nature with military authorities. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the separation. On 7 December 1981 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and drug abuse. The discharge authority approved the foregoing recommendation and on 28 December 1981 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded so that you may obtain medical assistance for service-connected disabilities. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge given the serious nature of your frequent misconduct, which resulted in six NJPs, two of which were for drug abuse. The Board noted that there is no evidence in your record, and you submitted none, to support your contention of any medical conditions. Given all the circumstances of your case, the Board concluded your discharge proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director